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that the possession of the prohibited article shall be considered *prima facie* evidence of a violation of the act. The defendant was convicted of both selling and keeping of the prohibited articles. He appeals on the ground that the act violates the equal protection and due process clauses of the Fourteenth Amendment. *Held*, the act is within the police power of the state and does not violate the Fourteenth Amendment. *State v. Nossaman* (Kan., 1920), 193 Pac. 347.

It has been held that the restriction or prohibition of the sale of cigarettes by a state, for the protection of the public health and welfare, is within the police power. *Austin v. Tennessee*, 179 U. S. 343; *Cook v. Marshall County, Iowa*, 196 U. S. 261; see also 4 MICH. L. REV. 124. There is sufficient ground for the classification by the legislature of cigarettes from other forms of tobacco, as being a special menace to the health and welfare of the people. *Gundling v. Chicago*, 177 U. S. 183. In the principal case the defendant contended that the provision of the statute making possession of cigarette materials *prima facie* evidence of a violation is a denial of due process. "That a legal presumption of one fact from evidence of another may not constitute a denial of due process of law or a denial of equal protection of the laws, it is only essential that there shall be some rational connection between the fact proved and the ultimate fact presumed, and that the inference of one fact from the proof of another shall not be so unreasonable as to be a purely arbitrary mandate." *Mobile, J. & K. C. R. Co. v. Turnipseed*, 219 U. S. 35, sustaining a statute making injuries inflicted by the running of trains *prima facie* evidence of negligence on the part of the railroads. The *prima facie* rule of evidence in the principal case complies with the above requirements. The inference of a violation of the statute from proof of possession is not so unreasonable as to be arbitrary. There is an administrative necessity for such a rule of evidence. With what intent or purpose the accused has cigarettes in his possession is a matter peculiarly within his knowledge. If his purpose is not unlawful he may easily rebut the inference, while the state would find it almost impossible to prove an unlawful purpose. When a state, exerting its recognized authority, undertakes to suppress what it is free to regard as a public evil, it may adopt such measures having reasonable relation to that end as it may deem necessary in order to make its action effective. *Purity Extract & Tonic Co. v. Lynch*, 226 U. S. 192. As said in *St. John v. New York*, 201 U. S. 633, "Not only the final purpose of the law must be considered, but the means of its administration—the ways it may be defeated. Legislation to be practical and efficient must regard this special purpose as well as the ultimate purpose." See also *Silz v. Hesterberg*, 211 U. S. 31.

CONSTITUTIONAL LAW—PRIVILEGES AND IMMUNITIES—LIMITATION ONLY UPON STATE LAW.—Defendants were indicted for forcibly transporting a number of persons out of the State of Arizona and warning them against returning by threats of violence. *Held*, no violation of the "privileges and immunities" clause of the Federal Constitution (Art. IV, Sec. 2), as this section is directed only against state action and not against that of individ-

uals. *United States v. Wheeler et al.* (U. S. Sup. Ct., 1920), October term, Case No. 68.

The right of a citizen of one state to dwell peacefully in any other state and to have free ingress to and egress from such other state is unquestionably one of the privileges and immunities guaranteed by Article IV, Section 2 of the Federal Constitution. *Paul v. Virginia*, 8 Wall. 168. Such a right existed by virtue of comity between the states even before the adoption of the Constitution. ARTICLES OF CONFEDERATION, Article IV. And has since been repeatedly included by the courts in the category of rights protected by the privileges and immunities clause. *Paul v. Virginia, supra*; *Ward v. Maryland*, 12 Wall. 418; *Slaughter House Cases*, 16 Wall. 36; *Corfield v. Coryell*, 4 Wash. C. C. 371. The question involved in the principal case is whether the inhibition of this clause extends to individual action in derogation of the rights described, or merely applies to acts by the states themselves. In holding that the limitation is only upon state action the court relies upon the authority of *United States v. Harris*, 106 U. S. 629. In that case the question was fairly raised by an attack upon the constitutionality of a federal statute (R. S., Sec. 5519) punishing by fine or imprisonment any two or more persons who should "conspire or go in disguise upon the highway or on the premises of another for the purpose of depriving * * * any person or class of persons * * * of equal privileges or immunities under the laws." In holding that there was no authorization for this statute to be found in Article IV, Section 2 of the Federal Constitution, Mr. Justice Woods, speaking for the court, said: "But this section, like the Fourteenth Amendment, is directed against state action. Its object is to place the citizens of each state upon the same footing with citizens of other states, and inhibit discriminative legislation against them by other states." Citing *Paul v. Virginia, supra*. All that *Paul v. Virginia* decided with respect to Article IV, Section 2, was that corporations were not citizens within the meaning of that clause. Nor does the view announced find any support in the *Slaughter House Cases*, except by way of *dicta*. Further, there is sufficient difference in the wording of the article in question and the Fourteenth Amendment to warrant the conclusion that a greater power was delegated to the Federal Government in the former than in the latter. In view of the more general phraseology of the article involved it seems that it might reasonably be construed to be an express delegation of full power to the Federal Government to protect the privileges and immunities of the citizens of the several states as well against infringement by other citizens as by the states themselves. Such a construction would do no violence to the language used, and would, it seems, render more complete and effective the protection of the fundamental rights which are sought to be safeguarded.

CONTRACTS—DELIVERY IN INSTALLMENTS—RESCISSION JUSTIFIED BY NON-PAYMENT OF INSTALLMENT.—The plaintiff's assignor agreed to sell and the defendant agreed to buy a quantity of paper to be delivered in installments, the terms of payment being "3%—30 days." The defendant failed to pay for one of the installments as it came due, and the seller refused to make further